

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.3393 OF 2006

Mr Nazar N Polishwala,	..	Petitioner. (Orig.Deft-3)
Vs		
Mr Gulam Abbas Ali Badshah & ors	..	Respondents. (R.No.1- Orig.Plff)

Mr T.D.Deshmukh, for the petitioner.
Mr V.A.Shashtry, for respondent no.1.

CORAM : D.B.BHOSALE, J.
DATE : 04.09.2006

PC:

1. Heard the learned counsel for the parties.
2. Rule. Returnable forthwith. Mr.Shashtry, learned counsel, waives service for respondent no.1. By consent, rule is heard forthwith.
3. By this writ petition, the petitioner has impugned the order dated 19.2.2006 passed by the appeal court in the application for stay filed by the petitioner. By this order, while granting stay the petitioner is directed to pay Rs.2000/- per month to the respondent-landlord. The learned counsel for the respondent fairly stated that if this order is modified and instead of paying the amount to the

respondent-landlord, the petitioner is directed to deposit the same in the appeal court he has no objection. In the circumstances, I am satisfied that the following order shall meet the ends of justice.

(i) The petitioner shall deposit the amount, as stated in the order dated 19.2.2006, in the appeal court on or before 10th of every month till the disposal of the appeal. The appeal court, while disposing of the appeal, shall pass appropriate orders in respect of the said amount. If the petitioner commits any two defaults in making payment of the amount aforestated, it would be open for the appeal court to dismiss the appeal for nonprosecution. The appeal court shall decide the appeal as expeditiously as possible and preferably within a period of eight months from the date of receipt of this order. The rule is accordingly disposed of.

(D.B.BHOSALE, J.)